

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THE DETROIT EDISON COMPANY, a Michigan Corporation, **MIDWEST ENERGY RESOURCES COMPANY**, a corporate affiliate, **DTE COAL SERVICES, INC.**, a corporate affiliate,

Plaintiffs,

v.

THE BNSF RAILWAY COMPANY, a Delaware corporation,

Defendant.

Case No. 2:07-cv-14015

Hon. Denise Page Hood

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STIPULATED ORDER FOR DISMISSAL WITH PREJUDICE

The Detroit Edison Company, Midwest Energy Resources Company and DTE Coal Services, Inc. ("Plaintiffs") and The BNSF Railway Company ("Defendant"), by and through

their counsel of record, hereby inform the Court that all issues connected with this action have been resolved and a settlement reached and that the parties have stipulated, as evidenced by the signature of their respective counsel below, to dismiss all claims presented in this litigation with prejudice against the refiling of same and without costs to any party;

IT IS HEREBY ORDERED, ADJUDGED and DECREED that this action is dismissed with prejudice against the refiling of same, that all costs be paid by the party incurring the same, and that any and all relief not expressly granted herein is expressly denied.

SIGNED this 19th day of November, 2007.

s/ DENISE PAGE HOOD
U.S. DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon counsel of record on November 19, 2007, by electronic and/or ordinary mail.

s/William F. Lewis
Case Manager

AGREED:

/s Eric S. Rosenthal (P24816)

(authority to sign given

11/14/07)

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Date: ~~—~~: November 14, _____, 2007

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